

Patent
Attorney Docket No. 64118.000192
Customer No. 21967

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
TEITELBAUM <i>et al.</i>	)	Group Art Unit: Unassigned
)	
Serial No.: 10/534,055	)	Examiner: Unassigned
)	
Filed: May 6, 2005	)	Confirmation No. 2702
)	
Title: TRANSPEDICULAR INTERVERTEBRAL))	
DISK ACCESS METHODS AND DEVICES))	

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

MAIL STOP PCT

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a) and (d), Applicants hereby petition the Commissioner to accept its U.S. Application Serial No. 10/534,055 absent an Oath or Declaration signed by all named inventors. Joint inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations.

Inventor Frank Nguyen is a nonsigning inventor, notwithstanding repeated and diligent efforts to obtain his signature by the entity to which an assignment of the application is owed, Medtronic Sofamor Danek, and by whom the inventor was employed at the time of invention. Medtronic Sofamor Danek owns SDGI Holdings, Inc. which is the holding company to which

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grant this petition, and to accept U.S. Application No. 10/534,055 for the prosecution in due course to which Medtronic Sofamor Danek and Applicants George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson are entitled.

Applicants believe that no additional fees are due for filing this petition. In the event any additional fees are required, the Commissioner is authorized to charge all required fees, under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's deposit account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS

By: _____


Robert A. King
Registration No. 42,738

Hunton & Williams LLP
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
Telephone (202) 955-1950
Facsimile (202) 778-2201

Dated: June 6, 2006

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
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TEITELBAUM et al.)	Group Art Unit: Unassigned
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Serial No.: 10/534,055)	Examiner: Unassigned
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Filed: May 6, 2005)	Confirmation No. 2702
)	
Title: TRANSPEDICULAR INTERVERTEBRAL))	
DISK ACCESS METHODS AND DEVICES))	

DECLARATION OF ROBERT A. KING, ESQ.

I, Robert A. King, state as follows:

1. I am a registered patent attorney (Reg. No. 42,738) employed by the law firm of Hunton & Williams LLP, legal representative of Medtronic Sofamor Danek for this matter. I submit this Declaration in support of the Renewed Petition under 37 C.F.R. 1.47(a) with respect to the above-referenced patent application.

2. A Notification of Missing Requirements under 35 U.S.C. 371 was mailed on July 25, 2005, from the U.S. Patent and Trademark Office with regard to the above-referenced patent application. In order to respond fully to the Notification of Missing Requirements, a signed oath or declaration from all the inventors was requested.

3. In a related patent application (U.S. Patent Application Serial No. 10/999,216) with the same inventive entity, Frank Nguyen was also a non-signing inventor. Sabrina Chambers of Medtronic Sofamor Danek executed a declaration in support of Mr. Nguyen's unavailability to sign. A copy of Ms. Chambers' declaration along with supporting Exhibits A-J were attached as Attachment A to Applicants' Petition Under 37 C.F.R. § 1.47(a), filed

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November 23, 2005. The Rule 47 petition for Frank Nguyen in U.S. Patent Application Serial No. 10/999,216 was subsequently granted by the U.S. Patent and Trademark Office on September 13, 2005.

4. On October 25, 2005, Mr. Yisun Song, also a registered patent attorney employed by Hunton & Williams LLP, sent a letter to Frank Nguyen, a copy of which was attached to Applicants' November 23, 2005 Petition as Attachment B. In that letter, Mr. Song requested Mr. Nguyen to sign the declaration and Power of Attorney. A certified mail receipt for this letter was also attached as Attachment C. In response to the letter dated October 25, 2005, and the efforts related to obtaining Mr. Nguyen's signature for U.S. Application No. 10/534,055, we have not received a signed declaration from Mr. Nguyen. However, Mr. Nguyen's signature on the signed certified mail postcard clearly established that Superior, Colorado, was his last known mailing address.

5. On May 9, 2006, the U.S. Patent and Trademark Office mailed a Decision on Petition Under 37 CFR 1.47(a). The Office noted that a renewed petition should be filed that clearly set out the last known address for Frank Nguyen and clearly indicated whether Mr. Nguyen could be located at his last known address.

6. On May 18, 2006, a letter was mailed to Frank Nguyen via U.S. Certified Mail at his last known address of 1995 E. Coalton Road, #77, in Superior, Colorado, requesting that Mr. Nguyen execute and return a copy of the Declaration. A copy of the letter is included as Attachment 1. Pursuant to Section 409.03(d) of the MPEP, the letter clearly set out: 1) that Mr. Nguyen was requested to sign and return the Declaration, 2) the purpose for his doing so, and 3) that his failure to return a signed declaration represented his refusal to do so. Further, a

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copy of the subject application to which the declaration pertains was included with the letter and Declaration.

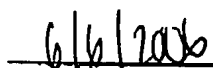
7. The U.S. Postal Service subsequently returned the package mailed to Mr. Nguyen. The front of the package was stamped "NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD." A copy of the front of the package is attached as Attachment 2.

8. I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARANT:


Robert A. King

Date:


6/6/2006

Attorney Docket No. 64118.000192
Customer No. 21967

ATTACHMENT 1

**HUNTON &
WILLIAMS**

HUNTON & WILLIAMS LLP
BANK OF AMERICA PLAZA
SUITE 4100
ATLANTA, GEORGIA 30308-2216

TEL 404 • 888 • 4000
FAX 404 • 888 • 4190

ROBERT A. KING
DIRECT DIAL: 404-888-4136
EMAIL: rking@hunton.com

FILE NO: 64118.000192

May 18, 2006

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Frank Nguyen
1995 E. Coalton Road, #77
Superior, CO 80027

Re: U.S. Patent Application No. 10/534,055
National Phase of PCT/US03/09285
Entitled: "Transpedicular Intervertebral Disk Access Methods and Devices"

Dear Mr. Nguyen:

We are counsel for Medtronic Sofamor Danek. We write to ask that you execute the enclosed Declaration by signing and dating it in the spaces indicated, and that you return it to us in the envelope provided. Your signature on the Declaration verifies that you are a co-inventor in the above-referenced patent application, which was filed with the Patent Office on May 6, 2005. Further, your signature acknowledges that you are aware of your responsibility before the Patent Office to provide a copy of any information of which you become aware that may be considered relevant to the patentability of the invention. For your convenience, we enclose another copy of the application. We will need to file a copy of the executed Declaration with the Patent Office as soon as possible.

Your signature on the attached U.S. Postal Service return receipt postcard verifies that this letter has been forwarded to your correct mailing address. Therefore, your failure to sign, date, and return the Declaration indicates that you have no intention of doing so, and we will make no further attempts to contact you regarding this matter.

If you have any questions related to this matter, please feel free to contact us at your convenience.

Very truly yours,


Robert A. King

RAK/sm

Attorney Docket No.: 64118.000192

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which: ☐ is attached hereto.

☒ was filed on: May 6, 2005

as United States Application No.: 10/534,055

or PCT International Application No.: _____

and was amended on: _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US03/09285	PCT	25, March, 2003		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	8, November, 2002

Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER
21967

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER
21967

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE OR FIRST INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **George P.** Family Name or Surname **TEITELBAUM**Citizenship: **US**Residence: **Santa Monica, CA**Mailing Address: **325 16th Street, Santa Monica, CA 90402-2217****NAME OF SECOND INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Samuel M.** Family Name or Surname **SHAOLIAN**Citizenship: **US**Residence: **Newport Beach, CA**Mailing Address: **2315 Arbutus Street, Newport Beach, CA 92660****NAME OF THIRD INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Thanh Van** Family Name or Surname **NGUYEN**Citizenship: **US**Residence: **Irvine, CA**Mailing Address: **4752 Roxbury Drive, Irvine, CA 92604****NAME OF FOURTH INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Frank** Family Name or Surname **NGUYEN**Citizenship: **US**Residence: **Superior, CO**Mailing Address: **1995 E. Coalton Road, #77-203, Superior, CO 80027**

NAME OF FIFTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **To V.** Family Name or Surname **PHAM**
Citizenship: **US**
Residence: **Trubuco Canyon, CA**
Mailing Address: **28422 Pueblo Drive, Trubuco Canyon, CA 92679**

NAME OF SIXTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Vincent** Family Name or Surname **DIVINO, Jr.**
Citizenship: **US**
Residence: **Mission Viejo, CA**
Mailing Address: **24436 Muela, Mission Viejo, CA 92692**

NAME OF SEVENTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Michael R.** Family Name or Surname **HENSON**
Citizenship: **US**
Residence: **Coto de Casa, CA**
Mailing Address: **2 Via Presea, Coto de Casa, CA 92679**

Attorney Docket No. 64118.000192
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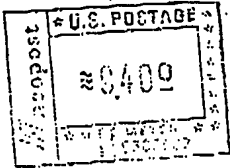
ATTACHMENT 2

Best Available Copy

VERIFIED MAIL



7008 1110 0001 1620 3816



ATLANTA
05-18-06

HUNTON & WILLIAMS
HUNTON & WILLIAMS LLP • BANK OF AMERICA PLAZA • SUITE 4100
600 PEACHTREE STREET, N.E. • ATLANTA • GEORGIA • 30308-3210
64118.192

~~Mr. Frank Nguyen~~
~~1915 E. Coalton Road, #77~~
~~Superior CO 80027~~

**NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD**

IAS
RIS

PLACE STICKER AT TOP OF ENVELOPE TO INDICATE
OF MAILING SERVICE

SENDER COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Frank Nguyen
1995E. Coalton Road, #77
Superior, CO 80027

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent☐ AddresseeD. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail,
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

7005 1161 0001 1620 3595 795

PS Form 3811, July 1989

Domestic Return Receipt

102595-00-M-0952

Attorney Docket No.: 64118.000192

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or, an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought or the invention entitled:

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the specification of which: ☐ is attached hereto.

☒ was filed on: May 6, 2005

as United States Application No.: 10/534,055

or PCT International Application No.: _____

and was amended on: _____ (if applicable).

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Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US03/09285	PCT	25, March, 2003		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
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NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor

Signature  Date 10/17/05
Given Name (first and middle (if any)) George P. Family Name or Surname TEITELBAUM
Citizenship: US
Residence: Santa Monica, CA
Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Samuel M. Family Name or Surname SHAOLIAN
Citizenship: US
Residence: Newport Beach, CA
Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

NAME OF THIRD INVENTOR: ☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Thanh Van Family Name or Surname NGUYEN
Citizenship: US
Residence: Irvine, CA
Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

NAME OF FIFTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) **To V.**Family Name
or Surname **PHAM**Citizenship: **US**Residence: **Trabuco Canyon, CA**Mailing Address: **28422 Pueblo Drive, Trabuco Canyon, CA 92679****NAME OF SIXTH INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) **Vincen**Family Name
or Surname **DIVINO, Jr.**Citizenship: **US**Residence: **Mission Viejo, CA**Mailing Address: **24436 Muela, Mission Viejo, CA 92692****NAME OF SEVENTH INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) **Michael R.**Family Name
or Surname **HENSON**Citizenship: **US**Residence: **Coto de Casa, CA**Mailing Address: **2 Via Presea, Coto de Casa, CA 92679**

Attorney Docket No.: 64118.000192

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Citizenship: US
Residence: Santa Monica, CA
Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

NAME OF SECOND INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date 10-17-05
Given Name (first and middle (if any)) Samuel M. Family Name or Surname SHAOLIAN
Citizenship: US
Residence: Newport Beach, CA
Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

NAME OF THIRD INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date 10-19-05
Given Name (first and middle (if any)) Thanh Van Family Name or Surname NGUYEN
Citizenship: US
Residence: Irvine, CA
Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

NAME OF FOURTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Frank Family Name or Surname NGUYEN
Citizenship: US
Residence: Superior, CO
Mailing Address: 1995 E. Coalton Road, #77-203, Superior, CO 80027

NAME OF FIFTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any)) **To V.**Family Name
or Surname**PHAM**Citizenship: **US**Residence: **Trabuco Canyon, CA**Mailing Address: **28422 Pueblo Drive, Trabuco Canyon, CA 92679****NAME OF SIXTH INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any)) **Vincent**Family Name
or Surname**DIVINO, Jr.**Citizenship: **US**Residence: **Mission Viejo, CA**Mailing Address: **24436 Muela, Mission Viejo, CA 92692****NAME OF SEVENTH INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any)) **Michael R.**Family Name
or Surname**HENSON**Citizenship: **US**Residence: **Coto de Casa, CA**Mailing Address: **2 Via Presea, Coto de Casa, CA 92679**

Attorney Docket No.: 64118.000192

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

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and was amended on: _____ (if applicable).

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I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US03/09285	PCT	25, March, 2003		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

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60/424,942	8, November, 2002

Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

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CUSTOMER NUMBER
21967

All correspondence and telephone communications should be addressed to:

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21967

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE OR FIRST INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **George F.** Family Name or Surname **TEITELBAUM**
Citizenship: **US**
Residence: **Santa Monica, CA**
Mailing Address: **325 16th Street, Santa Monica, CA 90402-2217**

NAME OF SECOND INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Samuel M.** Family Name or Surname **SHAOLIAN**
Citizenship: **US**
Residence: **Newport Beach, CA**
Mailing Address: **2315 Arbutus Street, Newport Beach, CA 92660**

NAME OF THIRD INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Thanh Van** Family Name or Surname **NGUYEN**
Citizenship: **US**
Residence: **Irvine, CA**
Mailing Address: **4752 Roxbury Drive, Irvine, CA 92604**

NAME OF FOURTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Frank** Family Name or Surname **NGUYEN**
Citizenship: **US**
Residence: **Superior, CO**
Mailing Address: **1995 E. Coalton Road, #77-203, Superior, CO 80027**

NAME OF FIFTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature

Date 10-18-05Given Name
(first and middle (if any)) To V.Family Name
or Surname PHAMCitizenship: USResidence: Trabuco Canyon, CAMailing Address: 28422 Pueblo Drive, Trabuco Canyon, CA 92679

NAME OF SIXTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature

Date

Given Name
(first and middle (if any)) VincenFamily Name
or Surname DIVINO, Jr.Citizenship: USResidence: Mission Viejo, CAMailing Address: 24436 Muela, Mission Viejo, CA 92692

NAME OF SEVENTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature

Date

Given Name
(first and middle (if any)) Michael R.Family Name
or Surname HENSONCitizenship: USResidence: Coto de Casa, CAMailing Address: 2 Via Presea, Coto de Casa, CA 92679

Attorney Docket No.: 64118.000192

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or, an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which: ☐ is attached hereto.
☒ was filed on: May 6, 2005
as United States Application No.: 10/534,055
or PCT International Application No.: _____
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Citizenship: **US**
Residence: **Irvine, CA**
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Citizenship: **US**
Residence: **Superior, CO**
Mailing Address: **1995 E. Coalton Road, #77-203, Superior, CO 80027**

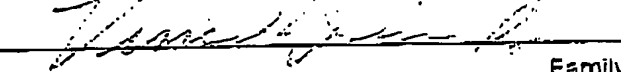
NAME OF FIFTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) To V. Family Name or Surname PHAM
Citizenship: US
Residence: Trubuco Canyon, CA
Mailing Address: 28422 Pueblo Drive, Trubuco Canyon, CA 92679

NAME OF SIXTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature  Date 10/18/05
Given Name (first and middle (if any)) Vincent Family Name or Surname DIVINO, Jr.
Citizenship: US
Residence: Mission Viejo, CA
Mailing Address: 24436 Muela, Mission Viejo, CA 92692

NAME OF SEVENTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

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Given Name (first and middle (if any)) Michael R. Family Name or Surname HENSON
Citizenship: US
Residence: Coto de Casa, CA
Mailing Address: 2 Via Presea, Coto de Casa, CA 92679

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Citizenship: US
Residence: Santa Monica, CA
Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

NAME OF SECOND INVENTOR:☐ A petition has been filed for this unsigned inventor

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Citizenship: US
Residence: Newport Beach, CA
Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

NAME OF THIRD INVENTOR:☐ A petition has been filed for this unsigned inventor

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Given Name (first and middle (if any)) Thanh Van Family Name or Surname NGUYEN
Citizenship: US
Residence: Irvine, CA
Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

NAME OF FOURTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Frank Family Name or Surname NGUYEN
Citizenship: US
Residence: Superior, CO
Mailing Address: 1995 E. Coalton Road, #77-203, Superior, CO 80027

NAME OF FIFTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **To V.** Family Name or Surname **PHAM**
Citizenship: **US**
Residence: **Trubuco Canyon, CA**
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NAME OF SIXTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Vincent** Family Name or Surname **DIVINO, Jr.**
Citizenship: **US**
Residence: **Mission Viejo, CA**
Mailing Address: **24436 Muela, Mission Viejo, CA 92692**

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Citizenship: **US**
Residence: **Coto de Casa, CA**
Mailing Address: **2 Via Presea, Coto de Casa, CA 92679**

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5911
RECIPIENT ADDRESS	4048884190
DESTINATION ID	
ST. TIME	06/06 16:05
TIME USE	08'34
PGS.	35
RESULT	OK

**HUNTON &
WILLIAMS**600 PEACHTREE STREET, N.E.
SUITE 4100
ATLANTA, GA 30308TEL 404 • 888 • 4000
FAX 404 • 602 • 9050**FAX**

TO **NAME** **U.S. Patent and Trademark Office**
FIRM **MAIL STOP PCT**
Office of PCT Legal Administration
FAX NO.: **571-273-0459**
PHONE NO.:

PAGES (INCLUDING COVER): 37

ORIGINAL TO FOLLOW IN MAIL: ☐ Yes ☒ No

FROM **NAME:** Robert A. King, Esq.

DIRECT DIAL: 404-888-4136

MESSAGE In re Application Of: **TEITELBAUM et al.** Examiner: **Unassigned**
Application No.: **10/534,055** Art Unit: **Unassigned**
Filed: **May 6, 2005** Docket No.: **64118.000192**
Title: **TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS**
METHODS AND DEVICES

The following documents are transmitted via facsimile in connection with the above-referenced patent application:

1. Renewed Petition Under 37 C.F.R. 1.47(a) (4 pgs.)
2. Declaration of Robert A. King, Esq., including Attachments 1-2 (12 pgs.)
3. Copies of executed Declarations (20 pgs.)

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 404 • 888 • 4027.

OPERATOR

DATE: June 6, 2006
CLIENT/MATTER NO.: 64118.000192

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the work-product doctrine. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

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- 6 JUN 2006
Legal Staff
International Division

Patent
Attorney Docket No. 64118.000192
Customer No. 21967

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
TEITELBAUM <i>et al.</i>	)	Group Art Unit: Unassigned
)	
Serial No.: 10/534,055	)	Examiner: Unassigned
)	
Filed: May 6, 2005	)	Confirmation No. 2702
)	
Title: TRANSPEDICULAR INTERVERTEBRAL))	
DISK ACCESS METHODS AND DEVICES))	

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

MAIL STOP PCT

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a) and (d), Applicants hereby petition the Commissioner to accept its U.S. Application Serial No. 10/534,055 absent an Oath or Declaration signed by all named inventors. Joint inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations.

Inventor Frank Nguyen is a nonsigning inventor, notwithstanding repeated and diligent efforts to obtain his signature by the entity to which an assignment of the application is owed, Medtronic Sofamor Danek, and by whom the inventor was employed at the time of invention. Medtronic Sofamor Danek owns SDGI Holdings, Inc. which is the holding company to which



HUNTON & WILLIAMS LLP
BANK OF AMERICA PLAZA
SUITE 4100
ATLANTA, GEORGIA 30308-2216

TEL 404 • 888 • 4000
FAX 404 • 888 • 4190

ROBERT A. KING
DIRECT DIAL: 404-888-4136
EMAIL: rking@hunton.com

FILE NO: 64118.000192

May 18, 2006

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Frank Nguyen
1995 E. Coalton Road, #77
Superior, CO 80027

Re: U.S. Patent Application No. 10/534,055
National Phase of PCT/US03/09285
Entitled: "Transpedicular Intervertebral Disk Access Methods and Devices"

Dear Mr. Nguyen:

We are counsel for Medtronic Sofamor Danek. We write to ask that you execute the enclosed Declaration by signing and dating it in the spaces indicated, and that you return it to us in the envelope provided. Your signature on the Declaration verifies that you are a co-inventor in the above-referenced patent application, which was filed with the Patent Office on May 6, 2005. Further, your signature acknowledges that you are aware of your responsibility before the Patent Office to provide a copy of any information of which you become aware that may be considered relevant to the patentability of the invention. For your convenience, we enclose another copy of the application. We will need to file a copy of the executed Declaration with the Patent Office as soon as possible.

Your signature on the attached U.S. Postal Service return receipt postcard verifies that this letter has been forwarded to your correct mailing address. Therefore, your failure to sign, date, and return the Declaration indicates that you have no intention of doing so, and we will make no further attempts to contact you regarding this matter.

If you have any questions related to this matter, please feel free to contact us at your convenience.

Very truly yours,


Robert A. King

RAK/sm

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Frank Nguyen
1995 E. Coalton Road, #77
Superior, CO 80027

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7005 1161 0001 1620 3595 75

PS Form 3811, July 1999

102585-00-M-0952

Attorney Docket No.: 64118.000192

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corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

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Signature

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Citizenship: US

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Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

Date

Family Name
or Surname

TEITELBAUM

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

Signature

Given Name
(first and middle (if any)) Samuel M.

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Date

Family Name
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SHAOLIAN

NAME OF THIRD INVENTOR: ☐ A petition has been filed for this unsigned inventor

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NGUYEN

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NAME OF SEVENTH INVENTOR: ☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name _____ Family Name _____
(first and middle (if any)) Michael R. or Surname HENSON
Citizenship: US
Residence: Coto de Casa, CA
Mailing Address: 2 Via Presea, Coto de Casa, CA 92679

Attorney Docket No.: 64118.000192

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or, an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which: ☐ is attached hereto.
☒ was filed on: May 6, 2005
 as United States Application No.: 10/534,055
 or PCT International Application No.: _____
 and was amended on: _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US03/09285	PCT	25, March, 2003		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

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Prior United States Application(s)

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And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

**CUSTOMER NUMBER
21967**

All correspondence and telephone communications should be addressed to:

**CUSTOMER NUMBER
21967**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

☐ A petition has been filed for this unsigned inventor

NAME OF SOLE OR FIRST INVENTOR:

Signature _____ Date _____
Given Name (first and middle (if any)) George P. Family Name or Surname TEITELBAUM
Citizenship: US
Residence: Santa Monica, CA
Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date 10-17-05
Given Name (first and middle (if any)) Samuel M. Family Name or Surname SHAOLIAN
Citizenship: US
Residence: Newport Beach, CA
Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date 10-19-05
Given Name (first and middle (if any)) Thanh Van Family Name or Surname NGUYEN
Citizenship: US
Residence: Irvine, CA
Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

NAME OF FOURTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Frank Family Name or Surname NGUYEN
Citizenship: US
Residence: Superior, CO
Mailing Address: 1995 E. Coalton Road, #77-203, Superior, CO 80027

NAME OF FIFTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) To V.Family Name
or Surname

PHAM

Citizenship: US

Residence: Trabuco Canyon, CA

Mailing Address: 28422 Pueblo Drive, Trabuco Canyon, CA 92679

NAME OF SIXTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) VincentFamily Name
or Surname

DIVINO, Jr.

Citizenship: US

Residence: Mission Viejo, CA

Mailing Address: 24436 Muela, Mission Viejo, CA 92692

NAME OF SEVENTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) Michael R.Family Name
or Surname

HENSON

Citizenship: US

Residence: Coto de Casa, CA

Mailing Address: 2 Via Presea, Coto de Casa, CA 92679

Attorney Docket No.: 64118.000192

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Residence: Newport Beach, CA
Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

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Citizenship: US
Residence: Irvine, CA
Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

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Citizenship: US
Residence: Superior, CO
Mailing Address: 1995 E. Coalton Road, #77-203, Superior, CO 80027

NAME OF FIFTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature

Date

10-18-05

Given Name

Family Name
or Surname

PHAM

(first and middle (if any)) To V.

Citizenship:

US

Residence:

Trabuco Canyon, CA

Mailing Address:

28422 Pueblo Drive, Trabuco Canyon, CA 92679

NAME OF SIXTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature

Date

Given Name

Family Name
or Surname

DIVINO, Jr.

(first and middle (if any)) Vincent

Citizenship:

US

Residence:

Mission Viejo, CA

Mailing Address:

24436 Muela, Mission Viejo, CA 92692

NAME OF SEVENTH INVENTOR:

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HENSON

(first and middle (if any)) Michael R.

Citizenship:

US

Residence:

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Mailing Address:

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Residence: Irvine, CA
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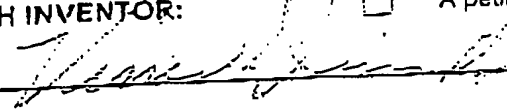
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Citizenship: US
Residence: Trubuco Canyon, CA
Mailing Address: 28422 Pueblo Drive, Trubuco Canyon, CA 92679

NAME OF SIXTH INVENTOR: ☐ A petition has been filed for this unsigned inventor

Signature  Date 12/18/05
Given Name (first and middle (if any)) Vincent Family Name or Surname DIVINO, Jr.
Citizenship: US
Residence: Mission Viejo, CA
Mailing Address: 24436 Muela, Mission Viejo, CA 92692

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Residence: Coto de Casa, CA
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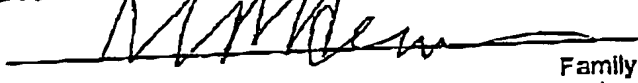
NAME OF SIXTH INVENTOR:

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Signature _____ Date _____
Given Name (first and middle (if any)) **Vincent** Family Name or Surname **DIVINO, Jr.**
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Mailing Address: **2 Via Presea, Coto de Casa, CA 92679**

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5910
RECIPIENT ADDRESS	4048884190
DESTINATION ID	
ST. TIME	06/06 15:46
TIME USE	06'14
PGS.	24
RESULT	OK

HUNTON & WILLIAMS

600 PEACHTREE STREET, N.E.
SUITE 4100
ATLANTA, GA 30308

TEL 404 • 888 • 4000
FAX 404 • 602 • 9050

FAX

TO **NAME** **U.S. Patent and Trademark Office**
FIRM **MAIL STOP PCT**
Office of PCT Legal Administration
FAX NO.: **571-273-0459**
PHONE NO.:

PAGES (INCLUDING COVER): **37**

ORIGINAL TO FOLLOW IN MAIL: ☐ Yes ☒ No

FROM **NAME:** **Robert A. King, Esq.**

DIRECT DIAL: **404-888-4136**

MESSAGE **In re Application Of:** **TEITELBAUM et al.** **Examiner:** **Unassigned**
Application No.: **10/534,055** **Art Unit:** **Unassigned**
Filed: **May 6, 2005** **Docket No.:** **64118.000192**
Title: **TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS**
METHODS AND DEVICES

The following documents are transmitted via facsimile in connection with the above-referenced patent application:

1. Renewed Petition Under 37 C.F.R. 1.47(a) (4 pgs.)
2. Declaration of Robert A. King, Esq., including Attachments 1-2 (12 pgs.)
3. Copies of executed Declarations (20 pgs.)

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 404 • 888 • 4027.

OPERATOR

DATE: **June 6, 2006**
CLIENT/MATTER NO.: **64118.000192**

This communication is confidential and is intended to be privileged pursuant to the attorney-client privilege and the work-product doctrine. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service.

RECEIVED
- 6 JUN 2006
Legal Staff
International Division

Patent
Attorney Docket No. 64118.000192
Customer No. 21967

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
TEITELBAUM <i>et al.</i>	)	Group Art Unit: Unassigned
)	
Serial No.: 10/534,055	)	Examiner: Unassigned
)	
Filed: May 6, 2005	)	Confirmation No. 2702
)	
Title: TRANSPEDICULAR INTERVERTEBRAL)		
DISK ACCESS METHODS AND DEVICES)		

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

MAIL STOP PCT

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a) and (d), Applicants hereby petition the Commissioner to accept its U.S. Application Serial No. 10/534,055 absent an Oath or Declaration signed by all named inventors. Joint inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations.

Inventor Frank Nguyen is a nonsigning inventor, notwithstanding repeated and diligent efforts to obtain his signature by the entity to which an assignment of the application is owed, Medtronic Sofamor Danek, and by whom the inventor was employed at the time of invention. Medtronic Sofamor Danek owns SDGI Holdings, Inc. which is the holding company to which

Medtronic Sofamor Danek's intellectual property is assigned. Mr. Nguyen was employed by Vertelink Corporation, which was acquired by Medtronic Sofamor Danek.

In support of this petition, Applicants have enclosed:

(1) Declarations bearing the executed signatures of George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson; and

(2) A Declaration by registered patent attorney, Robert A. King, presenting facts relating to unsuccessful attempts to locate Mr. Nguyen and obtain his signature on a Declaration.

(A) Declarations by the Joint Inventors

Inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations on their own behalf. MPEP 409.03(a)(A)(1). Because these inventors duly executed Declarations in support of this application, the Declaration is filed in the names of those inventors on behalf of the remaining nonsigning inventor and on behalf of the entity to whom all inventors owe a duty of assignment, Medtronic Sofamor Danek. See MPEP 409.03(a)(A)(2) and 37 C.F.R. 1.47(a).

(B) Proof of Unavailability to Locate and Sign

Applicants have enclosed the Declaration of Robert A. King, Esq. containing relevant facts from which Applicants reasonably conclude that: (1) Applicants have made *bona fide* attempts to locate and obtain the signature of the nonsigning inventor and (2) Applicants are

unable to locate Frank Nguyen to sign a Declaration verifying his status as co-inventor of the subject application.

Applicants previously included as Attachment A to their Petition Under 37 C.F.R. § 1.47(a) filed on November 23, 2005, a copy of the declaration of Sabrina Chambers detailing relevant facts in connection with the same unavailable inventor in a related pending application, U.S. Patent Application Serial No. 10/999,216.

(C) Last Known Addresses of Non-Signing Inventor

Applicants were last aware of the following address for Frank Nguyen: 1995 E. Coalton Road, #77-203, Superior, CO 80027.

(D) Facts Surrounding Unavailability to Sign

As detailed in the accompanying materials, Applicants and the entity to whom a duty of assignment is owed have made repeated, ongoing and diligent attempts to obtain the papers for completion of this application.

Frank Nguyen is no longer employed by Medtronic Sofamor Danek. Despite repeated attempts, the nonsigning inventor has not responded with a signed Declaration, as detailed in the accompanying Declaration of Robert A. King. This was through no fault of the signing inventors or the entity to which a duty of assignment is owed.

Notwithstanding the unavailability of the nonsigning inventor to sign a Declaration despite diligent attempts to obtain the same, Applicants respectfully request the Commissioner to

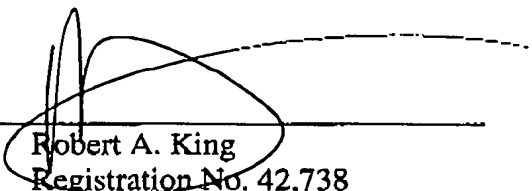
Attorney Docket No. 64118.000192
Application Serial No. 10/534,055
Customer No. 21967

grant this petition, and to accept U.S. Application No. 10/534,055 for the prosecution in due course to which Medtronic Sofamor Danek and Applicants George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson are entitled.

Applicants believe that no additional fees are due for filing this petition. In the event any additional fees are required, the Commissioner is authorized to charge all required fees, under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's deposit account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS

By: _____


Robert A. King
Registration No. 42,738

Hunton & Williams LLP
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
Telephone (202) 955-1950
Facsimile (202) 778-2201

Dated: June 6, 2006

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
TEITELBAUM et al.	)	Group Art Unit: Unassigned
)	
Serial No.: 10/534,055	)	Examiner: Unassigned
)	
Filed: May 6, 2005	)	Confirmation No. 2702
)	
Title: TRANSPEDICULAR INTERVERTEBRAL)		
DISK ACCESS METHODS AND DEVICES)		

DECLARATION OF ROBERT A. KING, ESQ.

I, Robert A. King, state as follows:

1. I am a registered patent attorney (Reg. No. 42,738) employed by the law firm of Hunton & Williams LLP, legal representative of Medtronic Sofamor Danek for this matter. I submit this Declaration in support of the Renewed Petition under 37 C.F.R. 1.47(a) with respect to the above-referenced patent application.

2. A Notification of Missing Requirements under 35 U.S.C. 371 was mailed on July 25, 2005, from the U.S. Patent and Trademark Office with regard to the above-referenced patent application. In order to respond fully to the Notification of Missing Requirements, a signed oath or declaration from all the inventors was requested.

3. In a related patent application (U.S. Patent Application Serial No. 10/999,216) with the same inventive entity, Frank Nguyen was also a non-signing inventor. Sabrina Chambers of Medtronic Sofamor Danek executed a declaration in support of Mr. Nguyen's unavailability to sign. A copy of Ms. Chambers' declaration along with supporting Exhibits A-J were attached as Attachment A to Applicants' Petition Under 37 C.F.R. § 1.47(a), filed

November 23, 2005. The Rule 47 petition for Frank Nguyen in U.S. Patent Application Serial No. 10/999,216 was subsequently granted by the U.S. Patent and Trademark Office on September 13, 2005.

4. On October 25, 2005, Mr. Yisun Song, also a registered patent attorney employed by Hunton & Williams LLP, sent a letter to Frank Nguyen, a copy of which was attached to Applicants' November 23, 2005 Petition as Attachment B. In that letter, Mr. Song requested Mr. Nguyen to sign the declaration and Power of Attorney. A certified mail receipt for this letter was also attached as Attachment C. In response to the letter dated October 25, 2005, and the efforts related to obtaining Mr. Nguyen's signature for U.S. Application No. 10/534,055, we have not received a signed declaration from Mr. Nguyen. However, Mr. Nguyen's signature on the signed certified mail postcard clearly established that Superior, Colorado, was his last known mailing address.

5. On May 9, 2006, the U.S. Patent and Trademark Office mailed a Decision on Petition Under 37 CFR 1.47(a). The Office noted that a renewed petition should be filed that clearly set out the last known address for Frank Nguyen and clearly indicated whether Mr. Nguyen could be located at his last known address.

6. On May 18, 2006, a letter was mailed to Frank Nguyen via U.S. Certified Mail at his last known address of 1995 E. Coalton Road, #77, in Superior, Colorado, requesting that Mr. Nguyen execute and return a copy of the Declaration. A copy of the letter is included as Attachment 1. Pursuant to Section 409.03(d) of the MPEP, the letter clearly set out: 1) that Mr. Nguyen was requested to sign and return the Declaration, 2) the purpose for his doing so, and 3) that his failure to return a signed declaration represented his refusal to do so. Further, a

copy of the subject application to which the declaration pertains was included with the letter and Declaration.

7. The U.S. Postal Service subsequently returned the package mailed to Mr. Nguyen. The front of the package was stamped "NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD." A copy of the front of the package is attached as Attachment 2.

8. I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARANT:


Robert A. King

Date:

6/6/2006

Attorney Docket No. 64118.000192
Customer No. 21967

ATTACHMENT 1

HUNTON & WILLIAMS

HUNTON & WILLIAMS LLP
BANK OF AMERICA PLAZA
SUITE 4100
ATLANTA, GEORGIA 30308-2216

TEL 404 • 888 • 4000
FAX 404 • 888 • 4190

ROBERT A. KING
DIRECT DIAL: 404-888-4136
EMAIL: rkking@hunton.com

FILE NO: 64118.000192

May 18, 2006

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Frank Nguyen
1995 E. Coalton Road, #77
Superior, CO 80027

Re: U.S. Patent Application No. 10/534,055
National Phase of PCT/US03/09285
Entitled: "Transpedicular Intervertebral Disk Access Methods and Devices"

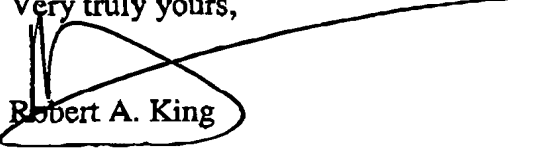
Dear Mr. Nguyen:

We are counsel for Medtronic Sofamor Danek. We write to ask that you execute the enclosed Declaration by signing and dating it in the spaces indicated, and that you return it to us in the envelope provided. Your signature on the Declaration verifies that you are a co-inventor in the above-referenced patent application, which was filed with the Patent Office on May 6, 2005. Further, your signature acknowledges that you are aware of your responsibility before the Patent Office to provide a copy of any information of which you become aware that may be considered relevant to the patentability of the invention. For your convenience, we enclose another copy of the application. We will need to file a copy of the executed Declaration with the Patent Office as soon as possible.

Your signature on the attached U.S. Postal Service return receipt postcard verifies that this letter has been forwarded to your correct mailing address. Therefore, your failure to sign, date, and return the Declaration indicates that you have no intention of doing so, and we will make no further attempts to contact you regarding this matter.

If you have any questions related to this matter, please feel free to contact us at your convenience.

Very truly yours,


Robert A. King

RAK/sm

ATLANTA AUSTIN BANGKOK BRUSSELS CHARLOTTE DALLAS HONG KONG KNOXVILLE
LOS ANGELES NEW YORK SAN FRANCISCO SEATTLE SINGAPORE WASHINGTON

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which:

☐ is attached hereto.

☒ was filed on: May 6, 2005

as United States Application No.: 10/534,055

or PCT International Application No.: _____

and was amended on: _____ (If applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US03/09285	PCT	25, March, 2003		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	8, November, 2002

Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

**CUSTOMER NUMBER
21967**

All correspondence and telephone communications should be addressed to:

**CUSTOMER NUMBER
21967**

corresponding to the law firm of Hunton & Williams LLP; Intellectual Property Department; 1900 K Street, N.W.; Suite 1200; Washington, DC 20006-1109; telephone number (202) 955-1500; facsimile number (202) 778-2201.

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 955-1500 (telephone); (202) 778-2201 (facsimile)

Page 2

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **George P.** Family Name or Surname **TEITELBAUM**
Citizenship: **US**
Residence: **Santa Monica, CA**
Mailing Address: **325 16th Street, Santa Monica, CA 90402-2217**

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Samuel M.** Family Name or Surname **SHAOLIAN**
Citizenship: **US**
Residence: **Newport Beach, CA**
Mailing Address: **2315 Arbutus Street, Newport Beach, CA 92660**

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Thanh Van** Family Name or Surname **NGUYEN**
Citizenship: **US**
Residence: **Irvine, CA**
Mailing Address: **4752 Roxbury Drive, Irvine, CA 92604**

NAME OF FOURTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

✓ Signature _____ Date _____ ✓
Given Name (first and middle (if any)) **Frank** Family Name or Surname **NGUYEN**
Citizenship: **US**
Residence: **Superior, CO**
Mailing Address: **1995 E. Coalton Road, #77-203, Superior, CO 80027**

NAME OF FIFTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **To V.** Family Name or Surname **PHAM**Citizenship: **US**Residence: **Trubuco Canyon, CA**Mailing Address: **28422 Pueblo Drive, Trubuco Canyon, CA 92679****NAME OF SIXTH INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

Given Name (first and middle (if any)) **Vincent** Family Name or Surname **DIVINO, Jr.**Citizenship: **US**Residence: **Mission Viejo, CA**Mailing Address: **24436 Muela, Mission Viejo, CA 92692****NAME OF SEVENTH INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____

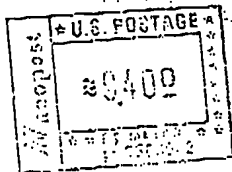
Given Name (first and middle (if any)) **Michael R.** Family Name or Surname **HENSON**Citizenship: **US**Residence: **Coto de Casa, CA**Mailing Address: **2 Via Presea, Coto de Casa, CA 92679**

Attorney Docket No. 64118.000192
Customer No. 21967

ATTACHMENT 2



7000 3460 0003 3460 3460



ATLANTA
5-18-06
GA

HUNTON & WILLIAMS
HUNTON & WILLIAMS LLP • BANK OF AMERICA PLAZA • SUITE 4100
600 PEACHTREE STREET, N.W. • ATLANTA • GEORGIA • 30308-2216
64118.192

Mr. Frank Nguyen
1945 E. Coalton Road, #77
Superior, CO 80027

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

IAS
PIS

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Frank Nguyen
1995E. Coalton Road, #77
Superior, CO 80027

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7005 1161 0001 1620 3595 795

PS Form 3811, July 1999

Domestic Mail

102595-00-M-0952

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or, an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which: ☐ is attached hereto.

☒ was filed on: May 6, 2005

as United States Application No.: 10/534,055

or PCT International Application No.: _____

and was amended on: _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US03/09285	PCT	25, March, 2003		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

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21967**

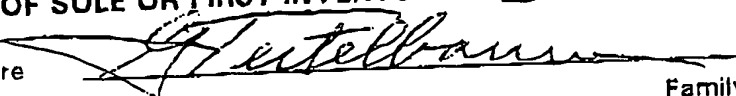
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NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor

Signature  Date 10/17/05
Given Name (first and middle (if any)) George P. Family Name or Surname TEITELBAUM
Citizenship: US
Residence: Santa Monica, CA
Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

NAME OF SECOND INVENTOR: ☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Samuel M. Family Name or Surname SHAOLIAN
Citizenship: US
Residence: Newport Beach, CA
Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

NAME OF THIRD INVENTOR: ☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Thanh Van Family Name or Surname NGUYEN
Citizenship: US
Residence: Irvine, CA
Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

NAME OF FIFTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) **To V.**Family Name
or Surname **PHAM**Citizenship: **US**Residence: **Trabuco Canyon, CA**Mailing Address: **28422 Pueblo Drive, Trabuco Canyon, CA 92679****NAME OF SIXTH INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) **Vincent**Family Name
or Surname **DIVINO, Jr.**Citizenship: **US**Residence: **Mission Viejo, CA**Mailing Address: **24436 Muela, Mission Viejo, CA 92692****NAME OF SEVENTH INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name
(first and middle (if any)) **Michael R.**Family Name
or Surname **HENSON**Citizenship: **US**Residence: **Coto de Casa, CA**Mailing Address: **2 Via Presea, Coto de Casa, CA 92679**

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 686-1800 (telephone); (202) 778-2201 (facsimile)

Page 4

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the specification of which: ☐ is attached hereto.
☒ was filed on: May 6, 2005
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or PCT International Application No.: _____
and was amended on: _____ (if applicable).

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				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
PCT/US03/09285	PCT	25, March, 2003		Yes <input type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

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Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

**CUSTOMER NUMBER
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) George F. Family Name or Surname TEITELBAUM
Citizenship: US
Residence: Santa Monica, CA
Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date 10-17-05
Given Name (first and middle (if any)) Samuel M. Family Name or Surname SHAOLIAN
Citizenship: US
Residence: Newport Beach, CA
Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date 10-19-05
Given Name (first and middle (if any)) Thanh Van Family Name or Surname NGUYEN
Citizenship: US
Residence: Irvine, CA
Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

NAME OF FOURTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Frank Family Name or Surname NGUYEN
Citizenship: US
Residence: Superior, CO
Mailing Address: 1995 E. Coalton Road, #77-203, Superior, CO 80027

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1100
(202) 955-1600 (telephone); (202) 778-2201 (facsimile)

Page 3

NAME OF FIFTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any)) **To V.**

Family Name

or Surname

PHAMCitizenship: **US**Residence: **Trabuco Canyon, CA**Mailing Address: **28422 Pueblo Drive, Trabuco Canyon, CA 92679****NAME OF SIXTH INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any)) **Vincent**

Family Name

or Surname

DIVINO, Jr.Citizenship: **US**Residence: **Mission Viejo, CA**Mailing Address: **24436 Muela, Mission Viejo, CA 92692****NAME OF SEVENTH INVENTOR:**☐ A petition has been filed for this unsigned inventor

Signature _____

Date _____

Given Name

(first and middle (if any)) **Michael R.**

Family Name

or Surname

HENSONCitizenship: **US**Residence: **Coto de Casa, CA**Mailing Address: **2 Via Presea, Coto de Casa, CA 92679**

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1108
(202) 885-1800 (telephone); (202) 770-2201 (telexmail)

Page 4

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or, an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which: ☐ is attached hereto.
☒ was filed on: May 6, 2005
as United States Application No.: 10/534,055
or PCT International Application No.: _____
and was amended on: _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US03/09285	PCT	25, March, 2003		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Prior Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Number	Date of Filing (day, month, year)
60/424,942	8, November, 2002

Prior United States Application(s)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

CUSTOMER NUMBER
21967

All correspondence and telephone communications should be addressed to:

CUSTOMER NUMBER
21967

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) George P. Family Name or Surname TEITELBAUM
Citizenship: US
Residence: Santa Monica, CA
Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Samuel M. Family Name or Surname SHAOLIAN
Citizenship: US
Residence: Newport Beach, CA
Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Thanh Van Family Name or Surname NGUYEN
Citizenship: US
Residence: Irvine, CA
Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

NAME OF FOURTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Frank Family Name or Surname NGUYEN
Citizenship: US
Residence: Superior, CO
Mailing Address: 1995 E. Coalton Road. #77-203, Superior, CO 80027

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109
(202) 865-1500 (telephone); (202) 776-2201 (facsimile)

Page 3

NAME OF FIFTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature

[Signature]

Date

10-18-05

Given Name

(first and middle (if any)) To V.

Family Name
or Surname

PHAM

Citizenship:

US

Residence:

Trabuco Canyon, CA

Mailing Address:

28422 Pueblo Drive, Trabuco Canyon, CA 92679

NAME OF SIXTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature

Date

Given Name

(first and middle (if any)) Vincent

Family Name
or Surname

DIVINO, Jr.

Citizenship:

US

Residence:

Mission Viejo, CA

Mailing Address:

24436 Muela, Mission Viejo, CA 92592

NAME OF SEVENTH INVENTOR:☐ A petition has been filed for this unsigned inventor

Signature

Date

Given Name

(first and middle (if any)) Michael R.

Family Name
or Surname

HENSON

Citizenship:

US

Residence:

Coto de Casa, CA

Mailing Address:

2 Via Presea, Coto de Casa, CA 92679

HUNTON & WILLIAMS LLP
Intellectual Property Department
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Page 4

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TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES

the specification of which: ☐ is attached hereto.
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Prior Foreign Application(s)

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Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
PCT/US03/09285	PCT	25, March, 2003		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
				Yes <input type="checkbox"/>	No <input type="checkbox"/>

Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed	
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Application Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And I hereby appoint, both jointly and severally, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the Hunton & Williams LLP attorneys and agents associated with:

**CUSTOMER NUMBER
21967**

All correspondence and telephone communications should be addressed to:

**CUSTOMER NUMBER
21967**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **George P.** Family Name or Surname **TEITELBAUM**
Citizenship: **US**
Residence: **Santa Monica, CA**
Mailing Address: **325 16th Street, Santa Monica, CA 90402-2217**

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Samuel M.** Family Name or Surname **SHAOLIAN**
Citizenship: **US**
Residence: **Newport Beach, CA**
Mailing Address: **2315 Arbutus Street, Newport Beach, CA 92660**

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Thanh Van** Family Name or Surname **NGUYEN**
Citizenship: **US**
Residence: **Irvine, CA**
Mailing Address: **4752 Roxbury Drive, Irvine, CA 92604**

NAME OF FOURTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Frank** Family Name or Surname **NGUYEN**
Citizenship: **US**
Residence: **Superior, CO**
Mailing Address: **1995 E. Coalton Road, #77-203, Superior, CO 80027**

HUNTON & WILLIAMS LLP
Intellectual Property Department
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1100
(202) 856-1500 (telephone); (202) 776-2201 (facsimile)

Page 3

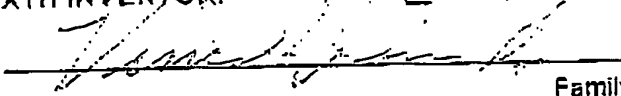
NAME OF FIFTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **To V.** Family Name or Surname **PHAM**
Citizenship: **US**
Residence: **Trubuco Canyon, CA**
Mailing Address: **28422 Pueblo Drive, Trubuco Canyon, CA 92679**

NAME OF SIXTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature  Date 10/18/05
Given Name (first and middle (if any)) **Vincent** Family Name or Surname **DIVINO, Jr.**
Citizenship: **US**
Residence: **Mission Viejo, CA**
Mailing Address: **24436 Muela, Mission Viejo, CA 92692**

NAME OF SEVENTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) **Michael R.** Family Name or Surname **HENSON**
Citizenship: **US**
Residence: **Coto de Casa, CA**
Mailing Address: **2 Via Presea, Coto de Casa, CA 92679**

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

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the specification of which: ☐ is attached hereto.
☒ was filed on: May 6, 2005
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Application Number	Country	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Yes <input type="checkbox"/> No <input type="checkbox"/>

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21967

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NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) George F. Family Name or Surname TELTELBAUM
Citizenship: US
Residence: Santa Monica, CA
Mailing Address: 325 16th Street, Santa Monica, CA 90402-2217

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Samuel M. Family Name or Surname SHAOLIAN
Citizenship: US
Residence: Newport Beach, CA
Mailing Address: 2315 Arbutus Street, Newport Beach, CA 92660

NAME OF THIRD INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Thanh Van Family Name or Surname NGUYEN
Citizenship: US
Residence: Irvine, CA
Mailing Address: 4752 Roxbury Drive, Irvine, CA 92604

NAME OF FOURTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name (first and middle (if any)) Frank Family Name or Surname NGUYEN
Citizenship: US
Residence: Superior, CO
Mailing Address: 1995 E. Coalton Road, #77-203, Superior, CO 80027

HUNTON & WILLIAMS LLP
Intellectual Property Department
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Page 2

NAME OF FIFTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name _____ Family Name
(first and middle (if any)) **To V.** or Surname **PHAM**
Citizenship: **US**
Residence: **Trubuco Canyon, CA**
Mailing Address: **28422 Pueblo Drive, Trubuco Canyon, CA 92679**

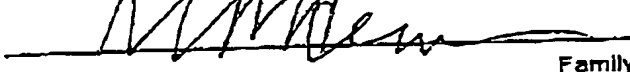
NAME OF SIXTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature _____ Date _____
Given Name _____ Family Name
(first and middle (if any)) **Vincent** or Surname **DIVINO, Jr.**
Citizenship: **US**
Residence: **Mission Viejo, CA**
Mailing Address: **24436 Muela, Mission Viejo, CA 92692**

NAME OF SEVENTH INVENTOR:

☐ A petition has been filed for this unsigned inventor

Signature  Date _____
Given Name _____ Family Name
(first and middle (if any)) **Michael R.** or Surname **HENSON**
Citizenship: **US**
Residence: **Coto de Casa, CA**
Mailing Address: **2 Via Presea, Coto de Casa, CA 92679**

*** RX REPORT ***

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TX/RX NO	5912
RECIPIENT ADDRESS	4048884190
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ST. TIME	06/06 16:20
TIME USE	08'59
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RESULT	OK

HUNTON & WILLIAMS

600 PEACHTREE STREET, N.E.
SUITE 4100
ATLANTA, GA 30308
TEL 404 • 888 • 4000
FAX 404 • 602 • 9050

FAX

TO **NAME FIRM** **U.S. Patent and Trademark Office**
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Office of PCT Legal Administration
571-273-0459

FAX NO.:
PHONE NO.:

PAGES (INCLUDING COVER): 37

ORIGINAL TO FOLLOW IN MAIL: ☐ Yes ☒ No

FROM **NAME:** Robert A. King, Esq.
DIRECT DIAL: 404-888-4136

MESSAGE In re Application Of: **TEITELBAUM et al.** Examiner: **Unassigned**
Application No.: **10/534,055** Art Unit: **Unassigned**
Filed: **May 6, 2005** Docket No.: **64118.000192**
Title: **TRANSPEDICULAR INTERVERTEBRAL DISK ACCESS METHODS AND DEVICES**

The following documents are transmitted via facsimile in connection with the above-referenced patent application:

1. Renewed Petition Under 37 C.F.R. 1.47(a) (4 pgs.)
2. Declaration of Robert A. King, Esq., including Attachments 1-2 (12 pgs.)
3. Copies of executed Declarations (20 pgs.)

IF PROBLEM WITH TRANSMISSION, PLEASE CONTACT OPERATOR AT 404 • 888 • 4027.

OPERATOR

DATE: June 6, 2006
CLIENT/MATTER NO.: 64118.000192

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End time : JUN-06 16:37

Start time : JUN-06 16:28

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Date : JUN-06 16:28

Job : 264

Time : JUN-06-06 16:37
Fax number: 4048884190
Name : HUNTON & WILLIAMS

CONFIRMATION REPORT - MEMORY SEND

HUNTON & WILLIAMS

600 PEACHTREE STREET, N.E.
SUITE 4100
ATLANTA, GA 30308

TEL 404 • 888 • 4000
FAX 404 • 602 • 9050

FAX

TO NAME
FIRM

U.S. Patent and Trademark Office
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Office of PCT Legal Administration
571-273-0459

FAX NO.:

PHONE NO.:

PAGES (INCLUDING COVER):

37

ORIGINAL TO FOLLOW IN MAIL:

☐ Yes ☒ No

FROM

NAME:

Robert A. King, Esq.

DIRECT DIAL:

404-888-4136

MESSAGE

In re Application Of:

TEITELBAUM et al.

Examiner:

Unassigned

Application No.:

10/534,055

Art Unit:

Unassigned

Filed:

May 6, 2005

Docket No.:

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Patent
Attorney Docket No. 64118.000192
Customer No. 21967

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
TEITELBAUM <i>et al.</i>	)	Group Art Unit: Unassigned
)	
Serial No.: 10/534,055	)	Examiner: Unassigned
)	
Filed: May 6, 2005	)	Confirmation No. 2702
)	
Title: TRANSPEDICULAR INTERVERTEBRAL)		
DISK ACCESS METHODS AND DEVICES)		

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a)

MAIL STOP PCT

Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03(a) and (d), Applicants hereby petition the Commissioner to accept its U.S. Application Serial No. 10/534,055 absent an Oath or Declaration signed by all named inventors. Joint inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations.

Inventor Frank Nguyen is a nonsigning inventor, notwithstanding repeated and diligent efforts to obtain his signature by the entity to which an assignment of the application is owed, Medtronic Sofamor Danek, and by whom the inventor was employed at the time of invention. Medtronic Sofamor Danek owns SDGI Holdings, Inc. which is the holding company to which

Medtronic Sofamor Danek's intellectual property is assigned. Mr. Nguyen was employed by Vertelink Corporation, which was acquired by Medtronic Sofamor Danek.

In support of this petition, Applicants have enclosed:

- (1) Declarations bearing the executed signatures of George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson; and
- (2) A Declaration by registered patent attorney, Robert A. King, presenting facts relating to unsuccessful attempts to locate Mr. Nguyen and obtain his signature on a Declaration.

(A) Declarations by the Joint Inventors

Inventors George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson have signed Declarations on their own behalf. MPEP 409.03(a)(A)(1). Because these inventors duly executed Declarations in support of this application, the Declaration is filed in the names of those inventors on behalf of the remaining nonsigning inventor and on behalf of the entity to whom all inventors owe a duty of assignment, Medtronic Sofamor Danek. *See* MPEP 409.03(a)(A)(2) and 37 C.F.R. 1.47(a).

(B) Proof of Unavailability to Locate and Sign

Applicants have enclosed the Declaration of Robert A. King, Esq. containing relevant facts from which Applicants reasonably conclude that: (1) Applicants have made *bona fide* attempts to locate and obtain the signature of the nonsigning inventor and (2) Applicants are

unable to locate Frank Nguyen to sign a Declaration verifying his status as co-inventor of the subject application.

Applicants previously included as Attachment A to their Petition Under 37 C.F.R. § 1.47(a) filed on November 23, 2005, a copy of the declaration of Sabrina Chambers detailing relevant facts in connection with the same unavailable inventor in a related pending application, U.S. Patent Application Serial No. 10/999,216.

(C) Last Known Addresses of Non-Signing Inventor

Applicants were last aware of the following address for Frank Nguyen: 1995 E. Coalton Road, #77-203, Superior, CO 80027.

(D) Facts Surrounding Unavailability to Sign

As detailed in the accompanying materials, Applicants and the entity to whom a duty of assignment is owed have made repeated, ongoing and diligent attempts to obtain the papers for completion of this application.

Frank Nguyen is no longer employed by Medtronic Sofamor Danek. Despite repeated attempts, the nonsigning inventor has not responded with a signed Declaration, as detailed in the accompanying Declaration of Robert A. King. This was through no fault of the signing inventors or the entity to which a duty of assignment is owed.

Notwithstanding the unavailability of the nonsigning inventor to sign a Declaration despite diligent attempts to obtain the same, Applicants respectfully request the Commissioner to

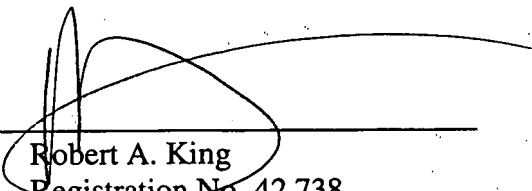
Attorney Docket No. 64118.000192
Application Serial No. 10/534,055
Customer No. 21967

grant this petition, and to accept U.S. Application No. 10/534,055 for the prosecution in due course to which Medtronic Sofamor Danek and Applicants George P. Teitelbaum, Samuel M. Shaolian, Thanh V. Nguyen, To V. Pham, Vincent Divino, Jr., and Michael R. Henson are entitled.

Applicants believe that no additional fees are due for filing this petition. In the event any additional fees are required, the Commissioner is authorized to charge all required fees, under 37 C.F.R. §1.17, or all required extension of time fees, to the undersigned's deposit account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS

By: _____


Robert A. King
Registration No. 42,738

Hunton & Williams LLP
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
Telephone (202) 955-1950
Facsimile (202) 778-2201

Dated: June 6, 2006

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
TEITELBAUM et al.	)	Group Art Unit: Unassigned
)	
Serial No.: 10/534,055	)	Examiner: Unassigned
)	
Filed: May 6, 2005	)	Confirmation No. 2702
)	
Title: TRANSPEDICULAR INTERVERTEBRAL)		
DISK ACCESS METHODS AND DEVICES)		

DECLARATION OF ROBERT A. KING, ESQ.

I, Robert A. King, state as follows:

1. I am a registered patent attorney (Reg. No. 42,738) employed by the law firm of Hunton & Williams LLP, legal representative of Medtronic Sofamor Danek for this matter. I submit this Declaration in support of the Renewed Petition under 37 C.F.R. 1.47(a) with respect to the above-referenced patent application.

2. A Notification of Missing Requirements under 35 U.S.C. 371 was mailed on July 25, 2005, from the U.S. Patent and Trademark Office with regard to the above-referenced patent application. In order to respond fully to the Notification of Missing Requirements, a signed oath or declaration from all the inventors was requested.

3. In a related patent application (U.S. Patent Application Serial No. 10/999,216) with the same inventive entity, Frank Nguyen was also a non-signing inventor. Sabrina Chambers of Medtronic Sofamor Danek executed a declaration in support of Mr. Nguyen's unavailability to sign. A copy of Ms. Chambers' declaration along with supporting Exhibits A-J were attached as Attachment A to Applicants' Petition Under 37 C.F.R. § 1.47(a), filed

November 23, 2005. The Rule 47 petition for Frank Nguyen in U.S. Patent Application Serial No. 10/999,216 was subsequently granted by the U.S. Patent and Trademark Office on September 13, 2005.

4. On October 25, 2005, Mr. Yisun Song, also a registered patent attorney employed by Hunton & Williams LLP, sent a letter to Frank Nguyen, a copy of which was attached to Applicants' November 23, 2005 Petition as Attachment B. In that letter, Mr. Song requested Mr. Nguyen to sign the declaration and Power of Attorney. A certified mail receipt for this letter was also attached as Attachment C. In response to the letter dated October 25, 2005, and the efforts related to obtaining Mr. Nguyen's signature for U.S. Application No. 10/534,055, we have not received a signed declaration from Mr. Nguyen. However, Mr. Nguyen's signature on the signed certified mail postcard clearly established that Superior, Colorado, was his last known mailing address.

5. On May 9, 2006, the U.S. Patent and Trademark Office mailed a Decision on Petition Under 37 CFR 1.47(a). The Office noted that a renewed petition should be filed that clearly set out the last known address for Frank Nguyen and clearly indicated whether Mr. Nguyen could be located at his last known address.

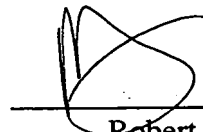
6. On May 18, 2006, a letter was mailed to Frank Nguyen via U.S. Certified Mail at his last known address of 1995 E. Coalton Road, #77, in Superior, Colorado, requesting that Mr. Nguyen execute and return a copy of the Declaration. A copy of the letter is included as Attachment 1. Pursuant to Section 409.03(d) of the MPEP, the letter clearly set out: 1) that Mr. Nguyen was requested to sign and return the Declaration, 2) the purpose for his doing so, and 3) that his failure to return a signed declaration represented his refusal to do so. Further, a

copy of the subject application to which the declaration pertains was included with the letter and Declaration.

7. The U.S. Postal Service subsequently returned the package mailed to Mr. Nguyen. The front of the package was stamped "NOT DELIVERABLE AS ADDRESSED, UNABLE TO FORWARD." A copy of the front of the package is attached as Attachment 2.

8. I further hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARANT:


Robert A. King

Date:

6/6/2006

Attorney Docket No. 64118.000192
Customer No. 21967

ATTACHMENT 1